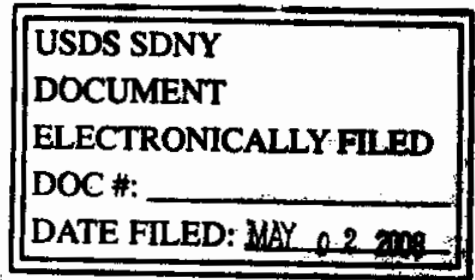


Crotty

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



GEORGE HUMPHRYS, Individually And)
On Behalf Of All Others Similarly Situated,)

Plaintiff,)

v.)

TD Ameritrade Holding Corporation, and)
TD Ameritrade, Inc., f.k.a TD Waterhouse)
Investor Services, Inc.,)

Defendants.)

No. 08-CV-2912 (PAC)

Hon. Paul A. Crotty

ECF Case

STIPULATION AND ORDER

WHEREAS, on March 19, 2008, plaintiff George Humphrys ("Plaintiff") filed a putative Class Action Complaint (the "Complaint") in the above-captioned matter; and

WHEREAS, Plaintiff has indicated that he intends to amend his Complaint (the "Amended Complaint");

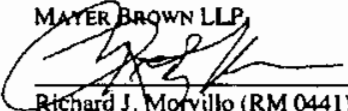
NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by Plaintiff and Defendants TD Ameritrade Holding Corporation and TD Ameritrade, Inc. (collectively, "Defendants"), through their undersigned counsel, as follows:

1. Defendants shall not be required to answer, move against, or otherwise respond to the Complaint.
2. Defendants shall have sixty (60) days from service of the Amended Complaint to answer, move against, or otherwise respond to the Amended Complaint.
3. In the event that Defendants move to dismiss the Amended Complaint, the parties will discuss a briefing schedule and submit a proposed schedule to the Court in advance of the

deadline for responding to the Amended Complaint.

Dated: May 1, 2008

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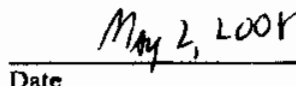
Facsimile: (816) 714-7101

*Attorneys for Plaintiff George
Humphrys*

SO ORDERED



U.S.D.J.


Date

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2008, I caused a true copy of the foregoing Stipulation and Order to be served upon the following via overnight mail:

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